

#3

DECLARATION AND POWER OF ATTORNEY
(Attorney Docket No: 108.236.119)

As below-named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PROGENITOR CELL PRESERVATION FACTORS AND METHODS FOR AND PRODUCTS OF THEIR USE

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application
Serial No. 09/476/485
on December 30, 1999
and was amended
on _____
(if applicable)

☐ was filed as PCT Patent Application
Serial No. _____
on _____
and was amended under PCT Article 19
on _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed

by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)

We hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)	

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
08/881,189	24.06.1997	Pending

POWER OF ATTORNEY: As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James B. Lampert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Michael J. Bevilacqua	Reg. No. 31,091
Holly L. Baker	Reg. No. 31,321
Henry N. Wixon	Reg. No. 32,073
Donald R. Steinberg	Reg No. 37,241

Wayne A. Keown, Ph.D.	Reg. No. 33,923
Ann-Louise Kerner, Ph.D.	Reg. No. 33,523
Michael A. Diener	Reg. No. 31,122
Colleen Superko	Reg. No. 39,850
Richard Goldenberg	Reg. No. 38,895
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Jason A. Reyes	Reg. No. 41,513
Rajesh Vallabh	Reg. No. 35,761
Nancy Chiu, Ph.D.	Reg. No. 43,545
Keum J. Park	Reg. No. 42,059
Janice M. Klunder, Ph.D.	Reg. No. 41,121

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:

Nancy Chiu, Ph.D.

HALE AND DORR LLP

60 State Street

Boston, Massachusetts 02109

Direct Telephone Calls to:

Nancy Chiu, Ph.D.

(617) 526-6000

(617) 526-5000

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **M. Gabriella Colucci**

Inventor's signature _____ **Date** _____

Residence: 8724 Villa La Jolla Drive, #95; La Jolla, CA 92037

Citizenship: Italy

Post Office Address: 8724 Villa La Jolla Drive, #95; La Jolla, CA 92037

Full name of second inventor: **Maarten J. Chrispeels**

Inventor's signature _____ **Date** _____

Residence: 8703 Glenwick Ln.; La Jolla , CA 92037

Citizenship: United States of America

Post Office Address: 8703 Glenwick Ln.; La Jolla , CA 92037

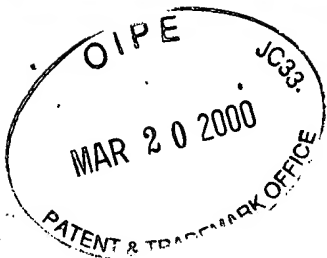
Full name of third inventor: **Jeffrey G. Moore**

Inventor's signature  **Date** 3/7/00

Residence: 7 Pearl Street, P.O. Box 18; Kennebunkport, ME 04046

Citizenship: United States of America

Post Office Address: 7 Pearl Street, P.O. Box 18; Kennebunkport, ME 04046



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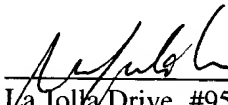
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Full name of first inventor: **M. Gabriella Colucci**

Inventor's signature



Date

030700

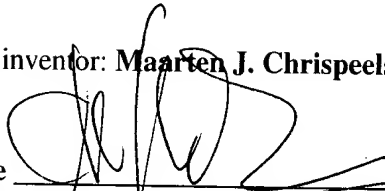
Residence: 8724 Villa La Jolla Drive, #95; La Jolla, CA 92037

Citizenship: Italy

Post Office Address: 8724 Villa La Jolla Drive, #95; La Jolla, CA 92037

Full name of second inventor: **Maarten J. Chrispeels**

Inventor's signature



Date

3/7/00

Residence: 8703 Glenwick Ln.; La Jolla, CA 92037

Citizenship: United States of America

Post Office Address: 8703 Glenwick Ln.; La Jolla, CA 92037

Full name of third inventor: **Jeffrey G. Moore**

Inventor's signature

Date

Residence: 7 Pearl Street, P.O. Box 18; Kennebunkport, ME 04046

Citizenship: United States of America

Post Office Address: 7 Pearl Street, P.O. Box 18; Kennebunkport, ME 04046